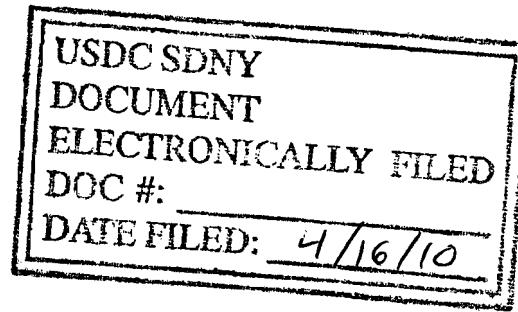


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTHER KIOBEL, et al., :
Plaintiffs, :
-----x

-against- :
ROYAL DUTCH PETROLEUM :
COMPANY, et al., :
Defendants. :
-----x



PITMAN, United States Magistrate Judge:

By letter dated March 8, 2010, plaintiffs seek to compel production of documents concerning SPDC employees whose were cross-posted to positions within the United States commencing on a date before January 1, 2000 and who remained cross-posted to a position within the United States between January 1, 2000 and August 14, 2004. The application is denied because I do not believe that the documents sought will materially add to the jurisdictional facts currently before the court.

Defendants have already produced documents concerning SPDC employees who were cross posted to positions within the United States during the jurisdictionally relevant period -- January 1, 2000 and August 14, 2004. In all probability, these documents include information concerning employees who served the

majority of their periods of cross posting after August 14, 2004. Assuming that SPDC employees were cross-posted to positions of generally equal duration at a generally uniform rate, the number of employees cross posted before January 1, 2000 whose terms of cross-posting extended into the jurisdictionally relevant period should be roughly equal to the number of employees cross-posted within the jurisdictionally relevant period whose terms extended after the jurisdictionally relevant period. In other words, although defendants' production did probably exclude some employees who were cross-posted to the United States within the jurisdictionally relevant period, it probably included others whose period of cross-posting followed the jurisdictionally relevant period. Given that the number of cross-posted employees is only one potentially relevant factor, I do not believe the documents sought here are sufficiently probative to warrant additional discovery. Moreover, plaintiffs' counsel has the opportunity to explore this issue during jurisdictional depositions.

Accordingly, for all the foregoing reasons, plaintiffs' application to compel production of documents concerning SPDC employees whose were cross-posted to positions within the United States commencing on a date before January 1, 2000 and who

remained cross-posted to a position within the United States between January 1, 2000 and August 14, 2004 is denied.

Dated: New York, New York
April 16, 2010

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

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